

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

COURTLAND DEWAYNE LINDSAY §
v. § CIVIL ACTION NO. 6:12CV563
TYLER POLICE DEPARTMENT, *et al.* §
 §

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation (document #33) recommends that the Motion for Summary Judgment (document #22) be granted and that the complaint be dismissed with prejudice. The Report and Recommendation was mailed to Plaintiff on July 8, 2013, and Plaintiff also received a hand-delivered copy in the Clerk's Office on July 24, 2013. After the Report and Recommendation was filed, Plaintiff filed a "Motion to Go to Trial" (document #35), a "Motion Facts That State the Previous Conduct Violated the Constitutional Provisions Sued On" (document #36), and a "Motion to Proceed With This Pending Lawsuit Due to Poor and Mis-leading Facts and Evidence" (document #37). Plaintiff additionally submitted a CD recording on July 24, 2013, labeled "Calls From C. Lindsay to Tyler Police Department." These pleadings are construed as objections to the Report and Recommendation.

Having made a *de novo* review of the written objections filed by Plaintiff, the Court finds that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit.

The Motion for Summary Judgment should be granted. It is noted that the CD submitted by Plaintiff has no relevance to the pending lawsuit. The undated recordings are recordings of two phone calls Plaintiff made to the Tyler Police Department and do not concern the underlying facts of this lawsuit. The Court, therefore, adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that the Motion for Summary Judgment (document #33) is **GRANTED** and the complaint is **DISMISSED** with prejudice.

Any motion not previously ruled on is **DENIED**.

So ORDERED and SIGNED this 26th day of August, 2013.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE